



### III FACTS

- 7) All events depicted herein occurred on the night of June 14<sup>th</sup>, 2014, unless otherwise stated.
- 8) Plaintiff was traveling in his private automobile secured in his person.
- 9) Plaintiff then noticed a city police vehicle illuminating blue lights behind him with a city officer therein & stopped his private automobile.
- 10) Doe dashes towards plaintiff's private automobile, snatches plaintiff's door open without cause or provocation & orders plaintiff out of his private automobile.
- 11) At **ALL** times relevant herein Doe produced **NO** warrant to arrest or search plaintiff.
- 12) At **ALL** times relevant herein plaintiff was not read his *Miranda* rights, told he was under arrest nor was his identity known to defendant officer.
- 13) There were **NO** exigent circumstances for arresting plaintiff.
- 14) Plaintiffs' private automobile did not contain **ANY** contraband.
- 15) Doe assaulted & battered plaintiff without cause or provocation & over plaintiffs' objection whereby snatching plaintiff from his private automobile.
- 16) Doe began searching plaintiff's person for identification as plaintiff was being handcuffed by Doe.
- 17) Plaintiff had **NO** identification on his person, & refused to give his name without cause until he was threatened by Doe.
- 18) Plaintiff repeatedly demanded to be taken before an immediate neutral judge or magistrate to know the nature & cause of his arrest.
- 19) Doe drives the police vehicle to the County Jail & deposited plaintiff there to be booked.
- 20) Plaintiff was arrested, searched, & imprisoned absent verified complaint.
- 21) Doe knew or should have known with respect to his duties & clearly established law; plaintiff had a right to be secure in his person against unreasonable searches & seizures.
- 22) Doe knew or should have known his duties required him to take plaintiff before an immediate neutral judge or magistrate without unnecessary delay for a probable cause hearing.
- 23) Doe knew or should have known with respect to his duties & clearly established law; that an arrest or search could only arise from a warrant or exigent circumstances.

- 24) Doe knew or should have known his actions caused plaintiff injuries from his objectively unreasonable use of force.
- 25) City knew or should have known with respect to its duties, its officers' duties, & clearly established law, Doe arrested, searched, & imprisoned plaintiff absent warrant or bona fide criminal process.
- 26) City, as a policy or custom failed to properly train, supervise, control, correct the abuse of authority, or discourage the unlawful use of authority of its officers. The failure to properly train Doe included to instruct him in applicable provisions of the U.S. Constitution on seizing, arresting, searching & imprisoning a person or persons without warrants or bona fide criminal process.
- 27) City, as a policy or custom approves or ratifies unconstitutional acts of its officers, depriving a person or persons of procedural due process rights.
- 28) Plaintiff had a reasonable expectation City's officers wouldn't arrest, search, nor imprison his person absent warrant, exigent circumstances, probable cause hearing, or verified complaint because that would violate clearly established law.
- 29) At **ALL** times relevant herein defendants were acting under color of state law.
- 30) Doe & City at all times relevant herein, acted in bad faith, deliberately indifferent, wantonly, recklessly, maliciously, & willfully, with the intent of injuring & oppressing plaintiff, by the reason of which plaintiff is entitled to all relief in plaintiff's prayer.

#### **IV FEDERAL CAUSES OF ACTION**

- 31) All allegations in paragraphs 1 through 30 are incorporated herein by reference.
- 32) The herein described actions, engaged in under color of state authority by Doe & City, including City sued as a person, responsible because of its policy or custom & approval or ratification thereof for the acts of its police officers depriving plaintiff of rights secured to him by the U. S. Constitution, include, but not limited to, plaintiff's Fourth Amendment right to be secure in his person against unreasonable searches & seizures, & plaintiff's Fourteenth Amendment liberty rights & right to due process.
- 33) **PRIMARY CAUSE!** Plaintiff's Fourth Amendment, as it applies to the states thorough the Fourteenth Amendment right to be secure in his person against unreasonable searches & seizures was violated upon being coerced from his private automobile excessively, willfully & needlessly & upon his person being arrested & searched

without even a *scintilla* of justification therefore **under the guise** of being arrested which was objectively unreasonable & contrary to clearly established law. Thus, Doe was trespasser *ab initio* for his deliberate wanton disregard of his duties, law, & defrauding plaintiff of his Due Process rights. This action resulted directly & only from a use of force of Doe on plaintiff that was **clearly excessive** to the need, & City's *prima facie* deliberate indifference to its duties, law, & plaintiff's right(s) which is objectively unreasonable. Plaintiff also claims upon defendant Doe trespass on his person & violations of clearly established law he was subjected to false arrest & imprisonment & assault & battery to his person without cause or bona fide criminal process. As a direct & proximate result of defendants' actions jointly & severally against plaintiff whereby violating clearly established law, plaintiff has suffered injuries to his person.

34) **SECONDARY CAUSE!** Plaintiff's Fifth Amendment right

35) **THIRD CAUSE!** Plaintiff's Sixth Amendment right

36) **FOURTH CAUSE!** Plaintiff's Fourteenth Amendment right(s) to locomotion, to be free from false arrest, false imprisonment, assault & battery, & due process was deprived absent procedural due process by Doe seizing, searching, arresting & imprisoning plaintiff's person without cause or bona fide criminal process & denying plaintiff's right to be taken before an immediate neutral judge or magistrate on said day of this incident then depositing plaintiff into the County Jail to be booked absent verified complaint. As a direct & proximate result of defendants' actions jointly & severally against plaintiff whereby violating clearly established law, plaintiff has suffered injuries to his person.

37) **FINAL CAUSE!** City, sued as a person maintains a policy or custom that subjects a person or persons to deprivations of procedural due process rights under color of state law. Plaintiff's injuries resulted directly from (1) City's said policy or custom; (2) Doe's objectively unreasonable use of force whereby effectuating said policy or custom on plaintiff. Despite City's awareness that persons taken into custody are being deprived of proper procedural due process rights, City willfully ignored its duties, & law, thereby displaying an official policy or custom, which was deliberately indifferent to the constitutional rights of persons who its officers come into contact with, & was the moving force behind plaintiff's injuries. Thus, City is liable under 42

U.S.C. 1983. As a direct & proximate result of defendants' wanton & reckless disregard & deliberate indifference to their & its duties, plaintiff's rights, & clearly established law jointly & severally, plaintiff has suffered injuries to his person.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff respectfully demands **"IN THE INTEREST OF JUSTICE"** judgment against defendants who acted, objectively unreasonable, deliberately indifferent & wantonly in violating clearly established law & plaintiff's rights with reckless disregard for plaintiff's reasonable expectations of those rights jointly & severally as follows (1) \$5,000,000.00 in compensatory damages for all plaintiff's injuries sustained against defendants; such as, false arrest, false imprisonment, assault & battery, & violations of his Fourth & Fourteenth Amendments (2) \$100,000.00 in punitive damages to deter & to make an example of defendant Doe, all cost & disbursements of this action, all attorneys' fees pursuant to 42 U.S.C. § 1988, the right to amend this complaint by further evidence & fact finding, declaratory judgment that (a) actions of defendant officer on said night herein constituted an unlawful arrest, search, imprisonment, & assault & battery of plaintiffs' person in violation of U.S. Constitution Fourth Amendment, Fourteenth Amendment's Due Process Clause, & 42 U.S.C § 1983; & that (b) defendant City is liable under 42 U.S.C § 1983 for its deliberate indifference to its duties, its inhabitants rights, & clearly established law by deliberately failing to properly train & supervise its officers in mandatory due process requirements, & deter its officers from unlawful conduct relating thereto. Injunctive relief to prevent City's police officers from arresting, searching or imprisoning plaintiff hereafter absent bona fide criminal process unless plaintiff commits a felony or breach of the peace, & any other relief this court deems proper.

**VERIFICATION**

State of Alabama)

) SS.

County of Mobile)

I, John Doe, plaintiff in the attached form for damages do affirm the facts & allegations within the attached complaint hereto to be **TRUE & CORRECT** to the very best of my knowledge & belief. **SO HELP ME GOD!**

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**Plaintiff, Pro se**  
**John Doe**  
**P.O. Box 1234**  
**City, State 36640**

Sworn to & subscribed before me on this \_\_\_\_ day of \_\_\_\_\_ 2015.

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Notary Public At Large – State of Alabama.

My Commission expires: \_\_\_\_\_